

REMARKS

Claims 1-7 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

DOUBLE PATENTING REJECTION

Claims 1-7 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-2 of U.S. Patent 7,002,449 to Sugawara. Applicants respectfully traverse this rejection for the reasons set forth below.

The Examiner alleges that although the conflicting claims are not identical, they are not patentably distinct from each other. Applicant respectfully disagrees. Applicant submits that the Claims 1-7 recite a handling device and method of security data such that when security-related data is stored into a non-volatile memory in a register mode, the security-related data is stored therein in an encrypted state, thereby making decryption (i.e., decoding) difficult even when a rewritable nonvolatile memory is utilized. In contrast, Claims 1-2 of Sugawara disclose storing the IDs of mobile devices and transponders in pairs and extracting the ID of the mobile device that generated the last response as well as the ID of the corresponding transponder. Sugawara further recites executing an authentication process first for the transponder having its ID extracted. Claims 1-2 of Sugawara fail to include any limitation directed towards "encryption" as recited by Claims 1-7 of the present application. Because the claims of the present application and Sugawara are distinct from each other, Applicant respectfully asserts that the claims are patentably distinct. Notwithstanding, in order to expedite prosecution of the present

application, Applicant has elected to file a Terminal Disclaimer according to the Examiner's suggestion in order to overcome the obviousness-type double patenting rejection. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

CLAIM OBJECTIONS

Claim 1 is objected to for certain informalities. The Examiner has suggested amending Claim 1 to recite "the security data is encrypted by the **encryption controller** with the cipher key and stored into the nonvolatile memory according to **the control instruction** when in-vehicle unit is set into a security data register mode."

Applicant appreciates the Examiner's suggestions, however, Applicant has elected to amend Claim 1 to recite "the security data is encrypted by **the encryption unit** with the second cipher key and stored into the nonvolatile memory according to **an** instruction from the controller when the in-vehicle unit is set into a security data register mode." The term "an encryption unit" is introduced earlier in Claim 1 thereby properly establishing antecedent basis for the term "the encryption unit."

Additionally, Applicant has elected to change the recitation of "the instruction from the controller," to "an instruction from the controller." Applicant believes that the Examiner has interpreted "the instruction" as being the control instruction from the portable unit. However, Applicant respectfully submits that "an instruction from the controller" is one which orders encryption to a nonvolatile memory. This subject matter is described in the specification as filed, particularly with reference to pages 10-11, lines 26-1 and Figure 2. As such, reconsideration and withdrawal of this objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-7 stand rejected under 35 U.S.C. § 112, first paragraph, as being based on a disclosure which is not enabling. These rejections are respectfully traversed.

Applicant has amended Claims 1 and 5 in order to comply with the Remarks section of the Amendment of June 5, 2007 and further in view of the comments provided by the Examiner. Specifically, Applicant has amended Claims 1 and 5 to change the recitation of “a cipher key” to “a second cipher key” to clearly indicate that “the second cipher key” corresponds to a cipher key at the time of registration. As such, Applicant respectfully requests withdrawal of the § 112, first paragraph rejection against Claims 1 and 5 and their dependent claims.

Claims 1-7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. These rejections are respectfully traversed.

Applicant has amended Claims 1 and 5 to change the recitation of “a signal indicating the ID of the portable unit” to “a signal indicating a ID of the portable unit,” to properly introduce the limitation. Claim 7 has been amended to recite, “The handling method of security data according to claim 5,” in order to properly depend from the method limitation recited by independent Claim 5. Therefore Applicant respectfully requests withdrawal of the § 112, second paragraph rejection against Claims 1 and 5 and their dependent claims.

CONCLUSION

Based on the above remarks, Applicant respectfully submits that the claims are in condition for allowance. The Examiner is kindly invited to contact the undersigned attorney to expedite allowance.

Respectfully submitted,

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